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# Report of the Secretary-General on the situation with respect to piracy and armed robbery at sea off the coast of Somalia

## I. Introduction

1. The present report is submitted pursuant to paragraph 33 of Security Council resolution 2246 (2015), in which the Council requested me to report on the implementation of that resolution and on the situation with respect to piracy and armed robbery at sea off the coast of Somalia.

2. The present report covers major developments since my previous report of 12 October 2015 (S/2015/776) through 30 September 2016. The assessment and observations herein are based on information provided by Member States and regional organizations, in conformity with paragraph 32 of Security Council resolution 2246 (2015). Information was provided by Italy, Latvia, Madagascar, Oman, Sri Lanka, Sweden and Turkey, as well as by the European Union and the North Atlantic Treaty Organization (NATO). The United Nations system, the International Criminal Police Organization (INTERPOL), the International Organization for Migration (IOM) and the Monitoring Group on Somalia and Eritrea were also consulted.

## II. Main developments and trends regarding piracy off the coast of Somalia

3. More than three years have passed since Somali pirates successfully hijacked and held a large commercial vessel for ransom. As at August 2016, no seafarers from large commercial vessels were being held hostage by Somali pirates. Those developments reflect the trend of an overall decline in piracy off the coast of Somalia. Some significant challenges remain, however. Pirate activity has increasingly shifted to the hijacking for ransom of dhows and foreign fishing vessels. The United Nations Office on Drugs and Crime (UNODC) has reported that the number of smaller vessel seafarers currently in captivity stands at 39, comprising 26 hostages from the *Naham 3* (Oman), 10 remaining hostages from the *Siraj* (Iran (Islamic Republic of)) and 3 hostages from the *Abdi Khan* (Yemen). Pirate gangs are believed to be holding other hostages for ransom, including five Kenyans. During the reporting period, the total number of incidents caused by Somalia-based pirates, as reported to the International Maritime Organization (IMO), increased slightly to 15, from 12 in 2014, but was still radically reduced from the peak of 237 pirate attacks in 2011.



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4. Progress in building a federal state in Somalia, combined with collective international naval efforts and anti-piracy policies from the regional states, such as Puntland, has contributed to the reduction of onshore safe havens for pirates along the Somali coast. The results of a recent survey undertaken by the Food and Agricultural Organization of the United Nations (FAO) and Oceans Beyond Piracy indicated that territories considered safe havens for pirates have shrunk from significant swathes of the 3,333km-long coastline of Somalia to a roughly 150km-long stretch between Xarardheere and Garacad. Most international ships have deterred pirate attacks through situational awareness and assertive responses in accordance with IMO guidance and its *Best Management Practices for Protection against Somalia-based Piracy*. It is clear that the combined presence of naval warships, the implementation of the *Best Management Practices*, the presence of armed guards on ships and the prosecution and detention modalities supported through the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia are succeeding as a deterrent against attacks on large commercial vessels. Pirate activity against such vessels has been effectively suppressed.

5. Although significant, such progress remains fragile and reversible. Credible reports indicate that Somali pirates possess the intent and capability to resume attacks against large commercial ships, should the opportunity present itself, and to endanger smaller vessels, which remain particularly vulnerable. There have been reports of pirate groups being organized and equipped in Mudug and in the area in the Horn of Africa east of Boosaasoin Puntland. The uncertain political situation in the central region of Somalia, coupled with the finite mandate of the international naval force stationed off the coast, has the potential to become a security vacuum that could trigger a resurgence of piracy.

6. The complex linkage between piracy and illegal, unreported and unregulated fishing continues to be of concern. The rise in the number of seafarers held by pirates in 2015 is largely attributable to hijackings of small fishing vessels. Many local communities view ransom payments for hostages as compensation for what they perceive as fishing revenue lost through illegal, unreported and unregulated fishing by such vessels, and, to that extent, the perception and the reality of illegal, unreported and unregulated fishing activities can be a driver for piracy.

7. The Somali Maritime Resource and Security Strategy of 2013 has enabled Somali leaders to begin addressing maritime governance issues and to promote the establishment of a federal Somali fisheries authority so that fishing can be properly licensed and regulated, with revenues shared equally between the Federal Government and the regional states. That work is supported by FAO, UNODC and the Secure Fisheries programme of Oceans Beyond Piracy, among others. Somalia still lacks the abilities to patrol its own waters and carry out basic fisheries protection measures. Those areas still require significant support from the international community.

8. The drivers that have triggered piracy remain unchanged since 2005. The lack of economic opportunity has been identified by the Federal Government and international partners as the principal driver of pirate recruitment. It is notable that the criminal networks behind piracy remain undefeated, with kingpins such as Mohamed Osman Mohamed still at large, according to recent Oceans Beyond Piracy research. There is widespread agreement that without changes to the underlying factors and networks, piracy could re-emerge.

## III. Hostage release and support efforts

9. So far in 2016, Somali pirates have released only one hostage, who had been kidnapped onshore and held by pirates in the Mudug region with his colleague, a Kenyan woman. He was released in February 2016 following an operation carried out by Somali security personnel and repatriated to Kenya by the Hostage Support Partnership with the help of the Embassy of Kenya in Somalia, Oceans Beyond Piracy and UNODC. Sadly, the Kenyan woman is still being held hostage.

10. Twenty-six crew members from the Omani fishing vessel *Naham 3*, which was hijacked in 2012, remain in captivity. A continuing dialogue has been taking place with the pirates holding the crew to try to secure their release. Recently obtained proof of life, in the form of videos and photographs, has shown that the crew remains alive but in deteriorating condition. The Hostage Support Partnership has provided food and medicine through intermediaries, and the Partnership has expressed the hope that, through active dialogue involving the local community, they will secure their release. The 10 remaining Iranian crew members of the *Siraj* are also still in captivity, whereas three Yemeni crew members of the *Abdi Khan* have been unaccounted for since 2011. International partners continue to support efforts to achieve the objective of zero ships and zero seafarers held captive by Somali pirates, agreed upon by the Contact Group on Piracy off the Coast of Somalia on 14 May 2014.

## IV. Development of counter-piracy efforts in Somalia

### A. Legal and policy frameworks

11. The Federal Government of Somalia has developed a comprehensive approach to maritime capacity-building, with the assistance of a coalition of donors and implementers under the Somali Maritime Resource and Security Strategy, which is overseen by the Maritime Security Coordination Committee chaired by the Deputy Prime Minister of Somalia. At its nineteenth plenary session, held in Victoria from 31 May to 3 June 2016, the Contact Group endorsed the Committee as the sole mechanism for implementing the Strategy.

12. The Strategy comprises six elements, which are led by international organizations in partnership with Somali and other international partners. IMO is leading three of the elements, namely, maritime governance, maritime safety at sea and maritime response and recovery. The element on maritime law enforcement is led by UNODC in cooperation with the European Union Mission on Regional Maritime Capacity-Building in the Horn of Africa, the element on maritime security by the United Nations Assistance Mission in Somalia (UNSOM), and the maritime economy element by FAO. The Maritime Security Coordination Committee conducts regular reviews of policy and legal reforms in law enforcement and other areas of marine safety jointly with the Contact Group. The Committee remains the only mechanism through which some active cooperation exists between "Somaliland" and the Federal and regional administrations of Somalia.

13. The Federal Government of Somalia is revising its Maritime Code and has prepared guidelines for establishing a maritime administration department under the Ministry of Ports and Marine Transport. That work is being undertaken with the assistance of IMO. The proposed department would aid the Federal

Government in undertaking its flag, port State and coastal State maritime responsibilities. UNSOM is facilitating the ratification of the revised Somali Maritime Code of 1959, which will enable the establishment of the department.

14. The Federal Government of Somalia is also developing a policy framework for the Somali coastguard, with technical assistance from UNSOM and the European Union Mission on Regional Maritime Capacity-Building in the Horn of Africa. UNSOM established a sub-working group under the naval coastguard working group on 12 October 2015. The aim of the sub-working group was to develop a plan to train and equip, referred to as the *Naqude* [Captain] plan, for the Somali coastguard. The *Naqude* plan is on hold, however, until the Federal Government decides whether authority over the coastguard will be transferred from the Ministry of Defence to the Ministry of Internal Security.

## B. Capacity-building

15. During the reporting period, the Federal Government of Somalia and the regional administrations continued to build their maritime security capacities, with some assistance from international partners in conjunction with the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia. The first of a series of planned maritime operations centres was established in Berbera, "Somaliland", under the command of the "Somaliland" coastguard, with assistance from Oceans Beyond Piracy, the European Union Mission on Regional Maritime Capacity-Building in the Horn of Africa and the UNODC Global Maritime Crime Programme. The centres are designed to provide Somali maritime institutions with greater situational awareness and improve communications in coastal areas and between local maritime security institutions and international naval forces, while increasing knowledge of local maritime crime issues.

16. The maritime law enforcement authorities in "Somaliland", Puntland, and southern and central Somalia continued to develop their maritime security and justice sectors, with assistance from UNODC and the European Union Mission on Regional Maritime Capacity-Building in the Horn of Africa. The UNODC Global Maritime Crime Programme provided in-country maritime law enforcement and engineering and communications mentors who delivered on-the-job training and mentoring to Somali maritime police and coastguard units. The Programme supported prison operations in Hargeysa, "Somaliland", and Garoowe, Puntland, and the Mogadishu central prison through the provision of food, health-care services and other procurement needs, and custodial staff received training on security and information management. In collaboration with UNODC, mentors routinely reviewed security conditions at the prisons to reduce the risk of escape or mistreatment, in particular with regard to prisoners transferred under the Piracy Prisoner Transfer Programme and other high-risk offenders. Funding is being sought to continue the programme beyond 2016.

17. In Mogadishu, the maritime unit of the Somali police force continued to benefit from a UNODC mentoring programme focused on building maritime and policing skills. The unit now undertakes regular patrols of Mogadishu harbour and the adjacent coastline. The unit also supports the maritime forces of the African Union Mission in Somalia in patrolling the waters off the coast near Mogadishu International Airport. However, insecurity has restricted the programme to Mogadishu harbour. On land, UNODC continued its multi-year programme of training, procurement and construction work at the Mogadishu

prison and court complex, which will be the most technologically advanced and secure prison facility in the central southern region. The complex will provide a secure environment for the trials of high-risk prisoners, such as pirates, terrorists and former combatants. During the reporting period, construction work at the complex progressed on a high-security cell block, a court complex and accommodations for judges. Training of Somali custodial officers continued with a view to improving security and professionalism.

18. In Puntland, construction of the new headquarters for the Boosaaso port police began in 2015 and is nearing completion. The headquarters will also serve as a training and operations centre for the port police. The Boosaaso port police have in the interim updated their equipment and communications infrastructure with assistance from UNODC and have regularly interdicted vessels in which people are being smuggled. In one 2-week period during November 2015, they intercepted 12 vessels carrying a total of 980 people. The lack of capacity for boat maintenance at the Boosaaso port remains a challenge. In Mudug, refurbishment of the police station, which had been damaged by floods, in south Gaalkacyo was completed, with the addition of a new secure armoury, funded by the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia.

19. The "Somaliland" coastguard updated its sea operations with radio operator training and other support from the UNODC Global Maritime Crime Programme. The training and mentoring efforts are credited with contributing to the coastguard's interdiction of illegal fishing vessels and human smugglers. During the reporting period, the "Somaliland" coastguard successfully carried out a rescue operation in the Sanaag region, off the east coast of Maydh town, in which 72 migrants were rescued from a boat headed to Yemen after it had drifted off the coast for more than a week.

20. Those efforts notwithstanding, the development of coastguard capacity across Somalia remains at an early stage, with challenges including the volatile security situation and the lack of adequate equipment and resources to meet operating costs. Training and awareness-raising efforts have continued.

21. Between April and July 2016, the Federal Government of Somalia nominated two of its staff to participate in a special strategic fellows programme hosted by the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs. Upon their return to Somalia, the two fellows are expected to be assigned to government positions focusing on maritime and ocean affairs. The fellowships were funded by the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia, through project No. 61. The holding of Division briefings on maritime and piracy legal frameworks was offered to the Somali federal parliament and will be scheduled following the holding of the upcoming 2016 electoral process.

22. Within the framework of the European Union Critical Maritime Routes Law Enforcement Agency Project, 21 Somali law enforcement personnel received training from INTERPOL in two sessions, held in October 2015 and August 2016 at the INTERPOL regional bureau in Nairobi. In October 2015, four officers from the INTERPOL National Central Bureau in Mogadishu were trained on INTERPOL tools and services. In August 2016, 17 officers from the criminal investigation division of the Somali federal police based in Mogadishu were trained in investigative techniques. There are plans to train another group of 20 officers in October 2016.

## C. Tackling root causes of piracy

23. The root causes of piracy include a fragile economy, a lack of alternative livelihoods, insecurity and weak governance structures. Efforts to address such challenges are continuing within the framework of the Somali compact for peacebuilding and state-building. The latest developments are reflected in my reports to the Security Council on Somalia of 8 January 2016 (S/2016/27), 9 May 2016 (S/2016/430) and 6 September 2016 (S/2016/763).

24. Many non-governmental organizations have been involved in efforts to improve economic conditions onshore by providing microfinance and business development opportunities and alternative livelihoods throughout Somalia. Those activities are essential to the fight against piracy and the long-term improvement of livelihoods onshore. Non-profit organizations, such as Adeso, FairFishing and Shuraako, have unique access to affected communities and have been instrumental in generating economic progress in coastal areas.

25. As part of the effort to address the complex linkage between illegal, unreported and unregulated fishing and piracy, the Ministry of Fisheries and Marine Resources is identifying such fishing activities in its exclusive economic zone (EEZ) through the collection of information from various sources, including data from the automatic identification system, with assistance from FAO. At the end of 2015, the European Union began sharing with the Ministry information collected by European Union Naval Force vessels on sightings of "clearly identified" fishing vessels in the EEZ of Somalia. In 2016, Somalia became the eighth member of the task force of Fish-i Africa, which is a group of countries in the western Indian Ocean that are sharing information in order to combat and eliminate illegal, unreported and unregulated fishing activities in the region. The Somali authorities have taken steps to halt the activities of some of the vessels identified, however, a weak legal framework and inadequate enforcement capacities often prevent effective action. Somalia is a party to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of FAO, the first international treaty aimed at combating illegal, unreported and unregulated fishing through port State measures. The Agreement entered into force on 5 June 2016 and the Federal Government of Somalia requested the assistance of FAO in its implementation.

26. Somali federal and regional fisheries authorities are implementing several projects aimed at enhancing the fight against illegal, unreported and unregulated fishing and improving government regulation under the Somali Maritime Resource and Security Strategy. Projects supported by FAO have included biometric registration of fishers and boats, the creation of a sustainably funded federal fisheries authority and the installation of a low-cost transponder automatic identification system on registered coastal fishing boats in Puntland. The European Union announced a multi-year project through its programme to promote regional maritime security, to begin in late 2016. The effectiveness of those programmes, however, partially depends on the conclusion of a final agreement between the Federal Government of Somalia and the regional states on fisheries management and sharing of revenue from licences, which remains pending.

# V. International cooperation

## A. Contact Group on Piracy off the Coast of Somalia

27. The Contact Group held its nineteenth plenary session under the theme "From the region, for the region: creating a lasting legacy". The plenary session was chaired by the Minister for Foreign Affairs and Transport of Seychelles, Joel Morgan. Other high-level participants included the Deputy Prime Minister of Somalia, Mohamed Omar Arte, and the Attorney General of Somalia, Ahmed A. Dahir. Participants expressed their gratitude to the Government of Seychelles for its willingness to continue its work as the Chair of the Contact Group in 2017.

28. In addition to updates and presentations, participants considered the future of the Contact Group. The discussion focused on three possible future trajectories: expansion of the geographical mandate; streamlining functions and shifting reporting to a regional organization such as the Indian Ocean Forum on Maritime Crime; and disbandment. Participants agreed that the overall framework of the Contact Group should match current threats and that the balance of the response to piracy should gradually be shifted to Somalia and Indian Ocean States and organizations. It was emphasized, however, that international support for counter-piracy operations had been critical to the success of the Contact Group and should be maintained under future structures. Participants agreed that the future structure of the Contact Group should maintain the minimum deterrence capacity required to prevent a relapse of piracy off the coast of Somalia. The Contact Group would also need to maintain a monitoring function that could assess the threat of piracy and galvanize action if the level of Somali piracy increased.

29. Participants discussed whether the Contact Group should address such issues as illegal, unreported and unregulated fishing and other maritime crimes or maintain its focus on deterring piracy. Although there were calls for expanding the mandate or geographic focus, the Contact Group decided to retain its focus on piracy but instituted changes to its substructures, as set out in its communiqué. The Contact Group resolved to delay its decision on the future of the plenary until 2017. It reiterated that the solution to piracy lay onshore and that it was vital to support Somalia in developing its maritime, counter-piracy and related legislation without delay.

30. The working group on capacity-building recommended that it be reconfigured to deliver a streamlined and sustainable approach to capacity-building, reflecting the desire for greater ownership from the Somalis, and reflecting the Contact Group's strategic direction towards enhanced Indian Ocean and Gulf of Aden regional leadership. The legal forum, under the chairmanship of Mauritius and Portugal, resolved to continue in its current form and continue its cooperation with Contact Group stakeholders, including UNODC and regional organizations implementing the programme to promote regional maritime security. The working group on maritime counter piracy and mitigation operations, under the chairmanship of Seychelles, the United Arab Emirates and Japan, recommended the operationalization of the maritime situation awareness framework, as agreed in the 2015 report. The working group on disrupting pirate networks onshore, under the chairmanship of Italy, recommended that pirate leaders and financiers be actively investigated, prosecuted and sentenced and that countries of the region should be able to

strengthen their capacity to monitor and control the licensed and informal financial entities operating in their jurisdictions.

31. In the communiqué issued following its nineteenth session, the Contact Group decided to implement a transition strategy that would involve the transfer of the majority of its working groups' coordination tasks to Somalia, the Indian Ocean States and regional organizations, while maintaining current support mechanisms for such regional programmes as the programme to promote regional maritime security and UNODC related projects. In the communiqué, the Contact Group reiterated that the solution to piracy lay onshore and that it was vital to support Somalia in developing its maritime policing capacities and maritime crime legislation without delay. The members of the Contact Group agreed to share data and cooperate with the Somali authorities to facilitate the arrest and prosecution of pirate kingpins and financiers, and to continue monitoring the piracy threat. A plenary meeting would be convened in 2017 to review the progress of the transition strategy.

## B. Trust Fund to Support the Initiatives of States Countering Piracy off the Coast of Somalia

32. As at 31 May 2016, the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia had a total balance of $898,407. Since December 2012, the Trust Fund has received a total of $13.4 million from 18 donors.

33. On 2 June 2016, the Board of the Trust Fund held its 18th meeting, in Victoria, under the chairmanship of the Department of Political Affairs. It approved projects amounting to $914,883, five of which were submitted by FAO and UNODC. The cost of the FAO project is $400,578 and will provide an automated information system to identify fishing boats and their activities in Boosaaso, Puntland. The four UNODC projects are focused on the following: prison reform, specifically the training and mentoring of pirate detainees in Seychelles ($176,560); maritime law enforcement and security in northern Kenya ($42,800); mentoring and vocational activities for pirate detainees at the Shimo La Tewa and Kamiti prisons in Kenya ($145,520); and support for activities of the task force of the Contact Group ($149,425). In the interim period leading up to the 2 June meeting, the Board of the Trust Fund also approved a hostage debriefing initiative of IMO and INTERPOL, a strategic review of the Trust Fund and the provision of support to address fisheries crime in Somalia for 18 months. The Chair of the Contact Group invited participating States to submit expressions of interest to serve as members of the Trust Fund. The Board members for 2016-2017 are as follows: Djibouti, Germany, Japan, Kenya, the Netherlands (shared with Norway), Seychelles, Somalia, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The Intergovernmental Authority on Development was elected as observer.

34. The Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia continues to provide financial assistance to strengthen the judicial capacity of the regional states in combating piracy. Projects financed by the Trust Fund are supporting a range of activities, including strengthening regional capacity to prosecute persons suspected of acts of piracy, facilitating minimum standards of treatment for prisoners and providing capacity-building support to police departments in Kenya, Mauritius, Seychelles, Somalia and the

United Republic of Tanzania. Trust Fund projects are facilitating the safe transfer of convicted pirates back to Somalia to serve their sentences and enabling the rehabilitation of juvenile offenders to ensure that they acquire the necessary skills for reintegration into society. Trust Fund projects also target illicit financial flows derived from pirate activities, equip detainees and at-risk young people in Somalia with livelihood skills and have already facilitated the repatriation of 40 Somali nationals suspected of piracy who had been apprehended by Maldives.

35. During the reporting period, notable achievements of the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia projects included the registration of 4,468 fishers and 1,470 fishing vessels from eight coastal districts in Puntland, 1,244 fishers and 156 vessels in Mudug and Jubaland and 1,244 fishers in "Somaliland". The registrations are enabling the authorities to distinguish legitimate fishers from pirates. Trust Fund projects contributed to an increase in the number of patrols in Somali waters, which enabled the authorities in "Somaliland" to interdict at least 51 illegal fishing expeditions and at least one illegal weapons shipment and the Boosaaso port police in Puntland to interdict illegal shipments of fuel from Yemen. In Mogadishu, a Trust Fund project allowed maritime police units to launch patrols of Somali waters following a 20-year hiatus. Progress was slower in south central Somalia, however, where political challenges and insecurity delayed a project intended to strengthen the capacity of the judiciary to conduct piracy trials and delayed the reconstruction of the Banadir court complex, which had been attacked by Al-Shabaab in April 2013. Challenges also remain in the area of piracy prosecutions, to which the Trust Fund allocates approximately 19 per cent of its funds. Although the past few years have seen progress in the arrest, transfer, prosecution, detention and conviction of piracy suspects after trial, pirate kingpins remain at large and criminal networks continue to operate. Those challenges underscore the importance of the international community's continued support of the work of the Trust Fund in those vital areas.

## C. Cooperation on piracy-related prosecutions

36. The UNODC Global Maritime Crime Programme was established in 2009 to address human rights requirements as they pertain to the apprehension by member States of suspected pirates at sea. The involvement of UNODC has ensured that the arrest, detention and prosecution of suspected pirates in the regional states, and their subsequent transfer to prisons in Somalia, are undertaken in full respect of international human rights law. Human rights are at the very core of the Programme's work.

37. The UNODC Global Maritime Crime Programme continued to facilitate the repatriation and transfer of Somalis convicted or acquitted of acts of piracy as part of its efforts to alleviate the burden on prosecuting and detaining States, while promoting closer ties with the families and home countries of pirates. During the reporting period, the Programme repatriated nine Somali men from Seychelles, eight of them following acquittals and one following the completion of his sentence. UNODC supported the post-sentence repatriation of 14 Somali men from Kenya to Somalia. It did not facilitate any prisoner transfers during the reporting period. As piracy trials progress, more repatriations and transfers are expected in the second half of 2016 and in 2017.

38. The UNODC Global Maritime Crime Programme supported regional prosecution efforts through the provision of interpretation and court transcription services, travel resources for prosecutors and witnesses to attend trial and video facilities for remote witness testimony. UNODC also supported vocational training for detainees and programming for preventing violent extremism. Funding is being sought to continue the programme beyond 2016.

39. To date, the European Union Naval Force stationed off the coast of Somalia has detained 154 suspected pirates, 143 of whom have been convicted. A total of 48 men have been transferred for trial in Seychelles, 11 of whom have been acquitted on appeal. In April 2016, the Supreme Court of Seychelles returned a guilty verdict in the case concerning the *Shane Hind* and the *Nave Atropos* vessels. All five Somalis were found guilty on two counts of piracy dating back to January 2014. They were sentenced to 12 years' imprisonment for each offence, with the sentences to run concurrently.

40. The last of the above-mentioned piracy cases in Seychelles was concluded in July 2016 with the conviction of five Somali suspects who each received a sentence of 12 years' imprisonment. The case demonstrated the difficulty that States face in securing foreign witnesses to testify at piracy prosecutions. The prosecution had made unsuccessful efforts, including a mutual legal assistance request, to have the crew that was taken hostage brought in to testify, but other testimony from the Japanese Maritime Self-Defence Force, the French navy on-board privately contracted armed security personnel and expert witnesses assisted the court. Two cases are awaiting decisions on appeals, which should be delivered by the Appeals Court later in 2016.

41. Following the successful appeal by the prosecution in December 2015, the Supreme Court of Mauritius overturned not-guilty verdicts for 12 Somalis in the case concerning the *Jasmine* vessel. The Supreme Court sent the matter back to the Intermediate Court of Mauritius for further evidence to be heard. In July 2016, the Intermediate Court found the 12 Somalis guilty of piracy and indicted that sentencing would occur on 11 August. On 11 August, they were sentenced to five years' imprisonment, but given the time served on remand and during their appeal and a remission for good behaviour, they were released from prison on that same day. UNODC is supporting their repatriation back to Somalia as free men. That was the first and only piracy trial in Mauritius to date and was the final European Union Naval Force regional piracy case.

42. The European Union Naval Force has now completed all current piracy trials. Average sentences have ranged from 14 to 16 years, and the Naval Force has assisted prosecutions in six countries, achieving an average conviction rate of more than 92 per cent.

43. The only remaining case being heard in Europe was the case being tried in France, concerning the 2011 attack on the French yacht *Tribal Kat*, in which a French national was killed. In April 2016, the Court of Cassation found the seven Somalis guilty of piracy and handed down sentences ranging from 6 to 15 years' imprisonment, with the two Somalis deemed to be the recruiters receiving the longest sentences.

## D. Naval activities off the coast of Somalia

44. During the reporting period, international naval missions from the European Union, NATO and the Combined Maritime Forces coalition continued

to ensure security at sea by protecting merchant vessels and deterring pirate activity in the Gulf of Aden and the Indian Ocean, as authorized in resolution 2246 (2015). In addition, individual States Members of the United Nations, including China, India, Iran (Islamic Republic of) and the Russian Federation, have continued to uphold security at sea by protecting merchant vessels and deterring pirate activity off the coast of the Horn of Africa. The annex to the present report lists additional contributions to the fight against piracy from additional Member States.

45. The European Union Naval Force continued to deter piracy by means of its operation Atalanta, which typically involves up to five warships, three maritime patrol aircraft and more than 1,000 personnel, covering an area stretching from the Red Sea to the Arabian Sea into the Indian Ocean down to the Mozambique Channel. Since the operation began in 2008, the Naval Force has successfully protected World Food Programme ships delivering more than 1.3 million tons of food and aid to Somali ports, as well as vessels working in support of the African Union Mission in Somalia, such that no ship operating for either organization has been seized by pirates. The Naval Force has reinforced its piracy deterrence posture and presence by maintaining operations close to shore and engaging with coastal communities. The European Union is discussing proposals for a two-year extension of the operation's mandate to better support that comprehensive approach.

46. During the reporting period, NATO, through its operation Ocean Shield, continued the periodic deployment of naval assets and maritime patrol aircraft and the coordination of its activities at the tactical level with other counter-piracy stakeholders, including the European Union Naval Force and the Combined Maritime Forces. The NATO shipping centre in the United Kingdom continued to support merchant shipping in the high-risk areas of the Indian Ocean through the provision of timely maritime security information. NATO continued to chair coordination meetings of the Shared Awareness and Deconfliction mechanism on a rotational basis with the Combined Maritime Forces and the European Union Naval Force. At the NATO summit held in Warsaw in July 2016, Heads of State and Government of States members of NATO agreed that operation Ocean Shield had achieved its military strategic objectives and resolved to terminate it at the end of 2016, while stressing that NATO would remain engaged in the fight against piracy by maintaining maritime situational awareness and close links with other international counter-piracy actors.

47. The European Union Naval Force, NATO and the Combined Maritime Forces presented the findings of their latest piracy threat assessment to the Contact Group meeting held in Seychelles in June 2016. They indicated that the combined effect of economics and demographics was such that there remained a population of young men in Somalia willing to engage in piracy if and when conditions allowed and that at least one pirate organization intended to continue to conduct acts of maritime crime. The threat assessment also affirmed that, historically, Somali pirates had tended to attack opportunistic targets and that it was thus not possible to predict where future potential attacks might occur. Nevertheless, the threat assessment suggested that if the collective response mechanisms were maintained, it was likely that piracy would continue to be deterred successfully off the coast of Somalia.

48. The threat assessment also identified the limitations of the current international efforts to eliminate the intent and capabilities of would-be pirates

on land, given that piracy is a relatively simple practice with a low entry threshold of requiring only basic equipment, such as a skiff and small arms. The combined efforts of international military forces and the commercial shipping industry would therefore have the greatest effect if they could deny criminals the opportunity to engage in piracy. The continued presence of the multinational counter-piracy forces, coupled with the shipping industry's continued application of best management practices, and the imposition of the rule of law would continue to play a crucial role in denying opportunities to would-be pirates.

## E. International capacity-building

49. During the reporting period, international capacity-building efforts focused on reforming and strengthening law enforcement measures, developing policy frameworks and regional information-sharing. A series of technical meetings conducted in October 2015 by the Indian Ocean Forum on Maritime Crime identified gaps in the legal and practical capacity of States of the region to combat maritime crimes such as drug trafficking, the illicit trade of wildlife and forest resources and trafficking in persons. At the technical meetings, a lack of coordinated bilateral and multilateral action in combating such crimes was identified, and States were urged to build greater capacity for maritime law enforcement bodies charged with front-line responses. The inaugural meeting of the fisheries crime group of the Forum was held in October 2015, in partnership with the Secure Fisheries programme and the Indian Ocean Tuna Commission. The group aims at prioritizing areas requiring urgent attention, including intelligence-gathering, information-sharing and the strengthening of regional and international conventions. In March 2016, a prosecutors' network was established as part of the Forum to help to enhance cooperation among Indian Ocean States in investigating and prosecuting piracy and other maritime crimes.

50. As part of its anti-piracy capacity-building initiative, the mobile education team of the multinational Maritime Security Centre of Excellence delivered a sea safety training programme to participants from four States of the region during the Cutlass Express exercise, which was held between 30 January and 6 February 2016. The training exercise benefited 56 officials, 24 from Djibouti, 11 from Kenya, 10 from Rwanda and 11 from the Sudan.

51. In an effort to provide greater clarity to the legislative framework for privately contracted armed security personnel, the UNODC Global Maritime Crime Programme has worked closely with the shipping and security industries to develop a procedural manual that provides a framework for regulating armed guards at sea, which is due to be published in the second half of 2016.

52. IMO has continued to assist signatory States to the Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden (Djibouti Code of Conduct) in implementing capacity-building activities in cooperation with the NATO maritime interdiction operational training centre, the European Union, UNODC and other entities. In November 2015, a regional training centre in Djibouti was formally opened. IMO is also currently working with signatory States to expand the scope of the Djibouti Code of Conduct to address wider issues of maritime security, such as countering illegal fishing and preventing the trafficking of drugs, weapons and people.

53. Over the course of the six-year period from 2011 to 2016, INTERPOL has been implementing the Critical Maritime Routes Law Enforcement Agency Project with the aim of strengthening the forensic and investigative capacities of targeted recipients, with an emphasis on financial investigations and the prosecution of acts of piracy and other maritime-based organized crime. The project has benefited nine western Indian Ocean countries, namely, Comoros, Djibouti, Kenya, Madagascar, Mauritius, Seychelles, Somalia, the United Republic of Tanzania and Yemen.

54. Following calls by the international community to target the financing, money-laundering and support structures on which the piracy networks survive, INTERPOL has designed a project that aims at developing and enhancing the financial investigative capacity of member States of the Common Market for Eastern and Southern Africa and Somalia. The project is focused on providing different levels of training and capacity-building to all competent law enforcement agencies combating money-laundering and terrorism financing activities stemming from maritime related crimes and will be implemented over a three-year period.

55. INTERPOL is in the process of implementing a hostage debriefing initiative that aims at interviewing seafarers who were kidnapped and held hostage by Somali pirates. Information obtained from the debriefing of released hostages will help to build a stronger understanding of pirate networks, including determining the clan affiliations of pirates and evaluating the relevance of other evidence identified by released hostages.

### F. Emerging issues in the Indian Ocean rim

56. The Indian Ocean Forum on Maritime Crime, which was launched in January 2015, has established itself as a regional network for Indian Ocean States in tackling maritime crime. It is supported by the UNODC Global Maritime Crime Programme as part of the implementation of Security Council resolutions 2182 (2014) and 2244 (2015). Representatives of the Forum participated at the African Union extraordinary summit on maritime safety and security, in February 2015, and at the thirteenth United Nations Congress on Crime Prevention and Criminal Justice, in April 2015.

## VI. International legal and judicial issues, including human rights considerations

57. During the reporting period, there were no major developments on legal and judicial issues. The fifth session of the United Nations intergovernmental working group on private military and security companies, which was scheduled to take place in May 2016, was postponed to December 2016 at the request of Member States. There have been no new developments since June 2015, when the Maritime Safety Committee of IMO updated its guidance on privately contracted armed security personnel on-board ships to take into account the publication of the International Organization for Standardization *Guidelines for Private Maritime Security Companies*. IMO work is ongoing to help signatory States to the Djibouti Code of Conduct to enhance their legal systems.

## VII. Observations

58. I welcome the significant progress made by Somalia and the international community in fighting piracy off the coast of Somalia. I note, in particular, the milestones achieved in deterring attacks against large commercial vessels. These achievements are a testament to the unprecedented levels of international cooperation in addressing this common threat to international peace and security. I commend the Contact Group on Piracy off the Coast of Somalia, the international naval forces and the Federal and regional authorities for their continued efforts in this endeavour.

59. I welcome the significant achievements made by the Federal Government of Somalia, as well as the regional states, in its commendable efforts to develop governance mechanisms for tackling piracy. I note with appreciation the ongoing efforts to revise the Maritime Code and establish a maritime administration department under the Ministry of Ports and Marine Transport. I also note the implementation of the Somali Maritime Resource and Security Strategy, the establishment of the coastguard and the Federal Government's commitment to establishing a transparent fishery licensing regime and legal and resource-sharing frameworks, while recognizing the special status of "Somaliland". Recognizing that these initiatives and other activities aimed at preventing a resurgence in piracy remain fragile and nascent, the United Nations stands ready to assist the Federal Government of Somalia, as needed.

60. I remain concerned, however, about the continuing attacks against smaller vessels and the resilience of the criminal networks behind piracy. Failure to curb the reach of these networks could result in a resurgence of attacks against large commercial vessels. Current threat assessments indicate that a resurgence of piracy is more likely if the international naval presence dissipates and other deterrents, such as private security on ships and best management practices, are relaxed. The migration of refugees by sea from Yemen may also provide would-be pirates with attractive targets. I therefore urge continued international naval presence in the region and continued vigilance in terms of private security and adherence to best management practices.

61. It is particularly important to direct collective international efforts at tackling the root causes of piracy off the coast of Somalia, in particular poverty in coastal areas. In that vein, the continued presence of foreign fishing vessels within sight of the Somali coast continues to spur public anger and discontent among coastal communities. FAO and Oceans Beyond Piracy, in their 2015 and 2016 reports, both confirmed the presence of foreign boats as close as 10 nautical miles from the Somali coast. The absence of a mandate for international navies to monitor fishing activities in Somali waters, coupled with the absence of an effective communication strategy between the navies, the Federal Government, the regional states and other stakeholders are unfortunately contributing to the perception among many coastal communities that international navies are protecting illegal, unreported and unregulated fishing. The results of a recent survey by the One Earth Future Foundation indicated that many Somalis remained sympathetic to piracy and that piracy may again receive increased support should economic prospects remain dismal. The imperative to better understand and combat illegal, unreported and unregulated fishing in Somali waters is of immediate importance. I commend UNODC, FAO and the Secure Fisheries programme for their efforts to address the issue.

62. The international response to piracy off the coast of Somalia has revolved around the twin axes of deterring pirate attacks and prosecuting pirates. Long-term success will not be achieved, however, unless there is a sustained international effort to target the financing, money-laundering and support structures which the piracy networks depend on to survive. It is therefore essential to continue support for the work of the law enforcement task force of the Contact Group at the international level. It is important to align the international community's objectives with the Federal Government's strategic goals as outlined in the recently launched national development plan, as well as the goals of the regional administrations. The Indian Ocean Forum on Maritime Crime offers Indian Ocean States a much needed opportunity to coordinate their responses to maritime crime, in particular through its prosecutors' network, which enables the effective prosecution of transnational maritime crime across the Indian Ocean region.

63. I reiterate my call to the Federal Government of Somalia to implement international standards by becoming a State party to the United Nations Convention against Transnational Organized Crime, strengthening its law enforcement capacity and enhancing collaboration with other countries, including on extradition agreements. It is important to promote the work of the entities that continue to provide economic opportunities and are helping to create alternative onshore livelihoods for would-be pirates.

64. I note with appreciation the decision of Seychelles to continue its leadership role as Chair of the Contact Group for the period 2016-2017.

65. I reiterate my call for the immediate and unconditional release of all seafarers and other innocent civilians being held hostage in Somalia so that they can rejoin their families. I commend the work of the Hostage Support Partnership in that regard. I call upon the Somali authorities and all relevant stakeholders to redouble their efforts to secure that outcome. In the same vein, I renew my call to Governments, industry and humanitarian organizations to help to alleviate the suffering of piracy survivors and their families, including through contributing to the Piracy Survivor Family Fund of the Contact Group.

66. The ultimate solution to the problem of piracy off the coast of Somalia lies in a stable and secure future for Somalia. As such, the piracy problem must not be tackled in isolation, but rather as part of a well-coordinated, international support package for the Federal Government of Somalia and the regional states to ensure, among other things, a stable political transition in 2016, a stronger security sector and the creation of economic opportunities, especially for young people and other vulnerable communities, with a key emphasis on national ownership. The United Nations remains committed to supporting the efforts to eliminate the threat of piracy off the coast of Somalia.

# Annex

## Bilateral contributions for the implementation of Security Council resolution 2246 (2015) made during the reporting period, as submitted by contributing countries

### Italy

Italy participated in operation Atalanta of the European Union Naval Force, including by deploying a force commander from October 2015 to March 2016 and seconding three units of civilian personnel to the European Union Mission on Regional Maritime Capacity-Building in the Horn of Africa.

### Latvia

Latvia has participated in operation Atalanta since 2011 and currently has one staff officer deployed to the operation. Latvia is also participating in the financing of operation Atalanta, in accordance with the Athena mechanism, which is a European Union agreed mechanism for handling common costs relating to European Union military operations.

### Madagascar

Madagascar sustained its maritime surveillance capacities and participated in an international naval exercise organized by the navy of the United States of America in Seychelles in January 2016. The establishment of a regional maritime information fusion centre in Madagascar has been supported by the European Union-funded programme to promote regional maritime security. In paragraph 10 of the Djibouti Declaration on the Safety and Marine Security in the Eastern and Southern African and Indian Ocean Region of 5 May 2016, the international community is called upon to support the development of a regional maritime surveillance mechanism through the operationalization of the regional maritime information fusion centre and the regional coordination operational centre in Seychelles.

### Oman

Oman recently established a maritime security centre and is strengthening cooperation with countries involved in the fight against piracy.

### Sri Lanka

The navy of Sri Lanka patrolled the exclusive economic zone and the sea lanes of communications south of Sri Lanka to deter acts of piracy. In addition, surveillance activities and the escorting of vessels conducted by other multilateral navies resulted in the high-risk area being shifted westward to the 65th parallel from the 78th parallel. The navy regularly conducted training exercises, including anti-piracy operations, with such navies when ships made port calls to Colombo harbour. Sri Lanka is facilitating the operations of armed sea marshals, on-board security teams of merchant ships, at the outer port limits

off Galle and Colombo harbours and providing the sea marshals with safe custody of arms and ammunition, among other things. The operations have complemented other counter-piracy efforts off the coast of Somalia.

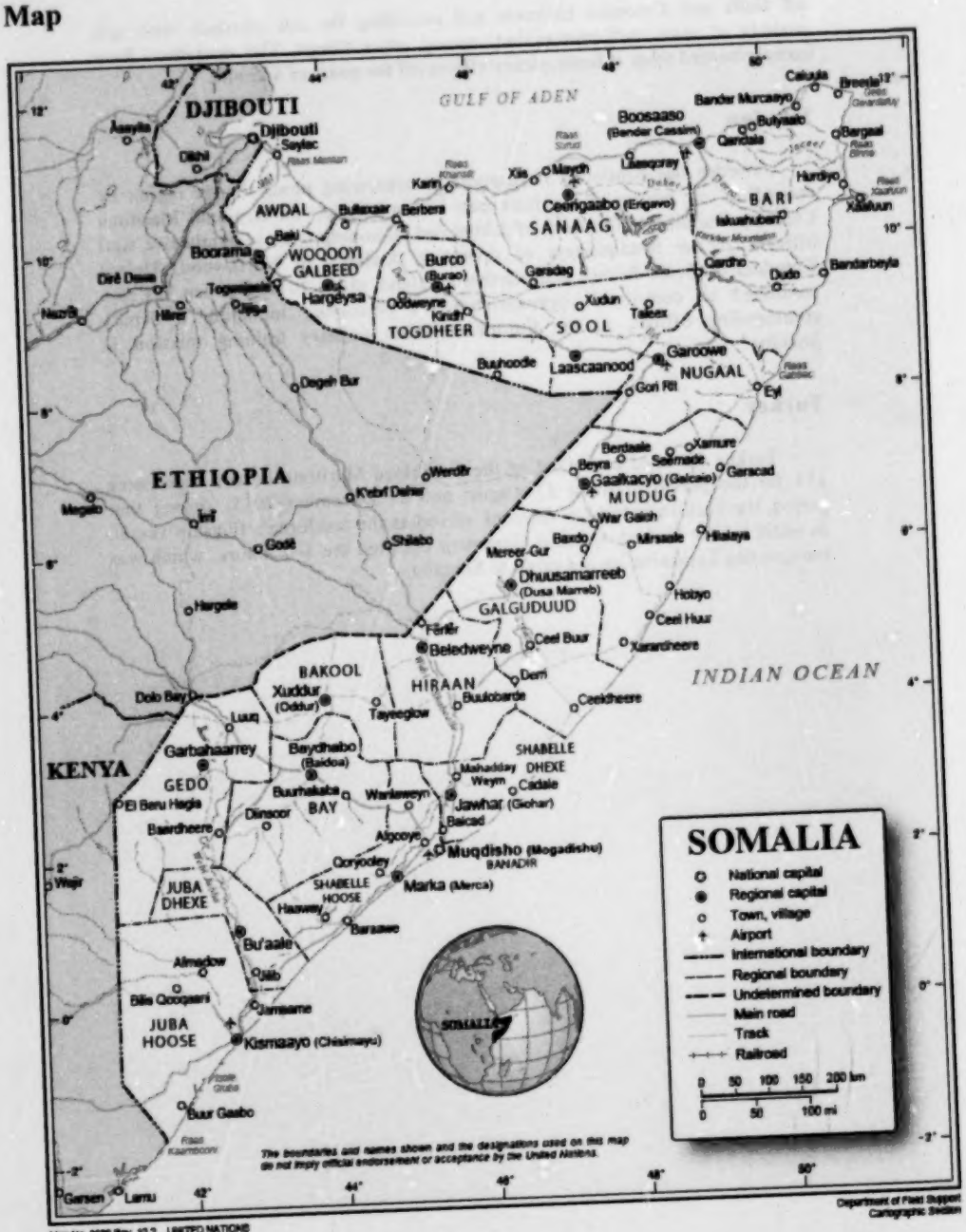
## Sweden

Sweden has continued its support in countering piracy in the region by seconding one person to the European Union Mission on Regional Maritime Capacity-Building in the Horn of Africa and stationing approximately five staff officers at the headquarters of operation Atalanta in Northwood, United Kingdom of Great Britain and Northern Ireland, since 2011. Sweden has also continued to contribute approximately 10 personnel, including a deputy commanding officer, to the European Union military training mission in Somalia.

## Turkey

Turkey assumed command of the Combined Maritime Forces Task Force 151 for the period between 27 August and 21 December 2015. During that period, the Turkish battleship *Gemlink* served as the taskforce's flagship vessel. In addition, the Turkish warship *Gaziantep* escorted the *Sea Amore*, which was transporting humanitarian aid cargo to Somalia.

## Map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DJIBOUTI
GULF OF ADEN
INDIAN OCEAN
ETHIOPIA
KENYA
Djibouti
Obock
Boosaaso (Bender Cassim)
Bandar Murcayo
Caluula
Bargaal
Qardala
Bulyaato
Ceerigaabo (Erigavo)
Laasqoray
Xiis
Karin
Maydh
BARI
Hurdiyo
Iskushuban
Xaafuun
SANAAG
AWDAL
Baki
Boorama
Berbera
Bulaxaar
WOQOOYI GALBEED
Hargeysa
Burco (Burao)
Odweyne
Kirdi
TOGDHEER
Garadag
Gardho
Dudo
Bandarbeyla
Xudun
Taleex
SOOL
Laascaanood
Buuhoodle
Garoowe
NUGAAL
Gori Fil
Eyl
Dagah Bur
Dire Dawa
Hiloy
Nazret
Werdir
K'ebri Dehar
Megalo
Jijiga
Gode
Shilabo
Berdaale
Xamure
Beyra
Saamade
Gaalkacyo (Galcaio)
Garacad
MUDUG
War Gaish
Baxdo
Mirsaale
Hisiaya
Mareer-Gur
Dhuusamarreeb (Dusa Marreb)
Hobyo
Ceel Huur
Xarardheere
Hargele
Feerfer
Beledweyne
Ceel Buur
GALGUDUUD
Deri
Ceeldheere
BAKOOL
Xuddur (Oddur)
Tayeeglow
HIRAAN
Buulobarde
Dolo Bay
Luuq
Garbahaarrey
Baydhabo (Baidoa)
Burhakaba
Wajir
GEDO
El Beru Hagia
Baardheere
Diinsoor
BAY
Waraiweyn
Jawhar (Gohar)
Baicad
SHABELLE DHEXE
Mahaddaay Weyn
Cadale
SHABELLE HOOSE
Muqdisho (Mogadishu)
BANADIR
Afgooye
Qoryooley
Marka (Merca)
Haaway
Baraawe
JUBA DHEXE
Bu'aale
Jilib
Almadow
Bila Qooqaani
Jamaame
JUBA HOOSE
Kismaayo (Chisimayu)
Buur Gaabo
Garsen
Lamu
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
National capital
Regional capital
Town, village
Airport
International boundary
Regional boundary
Undetermined boundary
Main road
Track
Railroad
0 50 100 150 200 km
0 50 100 mi
Department of Field Support
Cartographic Section
Map No. 3680 Rev. 13.2 UNITED NATIONS
May 2014